S.B. Civil Misc. Appeal No.1299/2006

M/s. Prabhu Ram Hari Ram and others.
vs.
M/s. Dana Ram Shiv Narayan.

Date : 12.9.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. S Purohit for Mr.V Balia, for the appellants.

- - - - -

Heard learned counsel for the appellants.

A money decree was passed against the appellants by the trial court on 21.1.2003 in suit no.84/2002. The appellants submitted application under Order 9 Rule 13 CPC for setting aside the said decree.

The trial court after permitting the appellants to produce evidence found that the appellants' witness gave totally false statement on each and every fact, therefore, the trial court found the appellants' witness totally unreliable. The trial court also considered the documentary evidence and found that the summons were properly served upon the defendants.

After going through the reasons given by the trial court in the order impugned, I do not find any illegality. The trial court rightly rejected the application of the

appellants.

Consequently, this appeal, having no merits, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya